

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MARYLAND**

SYDELLE GOLDWURM,

* Case No. 1:12-cv-03516-JKB

Plaintiff,

* **JURY DEMANDED**

v.

*

AMERICAN REALTY CAPITAL TRUST, INC.,
NICHOLAS S. SCHORSCH, LESLIE D.
MICHELSON, WILLIAM M. KAHANE,
WILLIAM G. STANLEY, ROBERT H. BURNS,
REALTY INCOME, CORP., and TAU
ACQUISITION LLC,

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Defendants.

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**NOTICE OF FILING UNPUBLISHED OPINIONS
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

Defendants American Realty Capital Trust, Inc., Nicholas S. Schorsch, William M. Kahane, Leslie D. Michelson, Robert H. Burns, and William G. Stanley, by and through undersigned counsel, hereby file the following unpublished opinions cited in the Memorandum in Support of Defendants' Motion to Dismiss (Docket No. 10-1) filed December 19, 2012:

1. *In re Nationwide Health Props., Inc. S'holder Litig.*, No. 24-C-11-001476, 2011 Md. Cir. Ct. LEXIS 3 (Cir. Ct. May 27, 2011) (attached hereto as Exhibit A); and
2. *Cherwek v. Aspect Med. Sys., Inc.*, C.A. No. 4989-VCS, 12:15-18 (Del. Ch. May 25, 2010) (attached hereto as Exhibit B).

Respectfully submitted this 20th day of December, 2012.

/s/ Scott H. Marder

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*Attorneys for Defendants American Realty Capital Trust, Inc.,
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Robert H. Burns and William G. Stanley*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of December, 2012, a copy of the foregoing Notice of Filing Unpublished Opinions in Support of Defendants' Motion to Dismiss was served via ECF notification to all counsel of record.

/s/ Rebecca M. Lamberth
Rebecca M. Lamberth